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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/965,136	09/27/2001	Robert Lee Thompson	T00450/70025 NPF	1815

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WOLF GREENFIELD & SACKS, PC
FEDERAL RESERVE PLAZA
600 ATLANTIC AVENUE
BOSTON, MA 02210-2211

EXAMINER

BALI, VIKKRAM

ART UNIT	PAPER NUMBER
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2623

DATE MAILED: 05/07/2003

14

Please find below and/or attached an Office communication concerning this application or proceeding.

Handwritten signature

Office Action Summary

Application No.

09/965,136

Applicant(s)

THOMPSON, ROBERT LEE

Examiner

Vikkram Bali

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 19 February 2003.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 13.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

In response to the amendment filed on 2/19/2003, all the amendments to the claims have been entered and the action follows:

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Wang (US 6038333) in view of Musgrave et al (US 6377699).

With respect to claim 1, Wang discloses: a hand held electronic security apparatus (see figure 2, the apparatus 20 identifier and management system) comprising:
a casing, (see figure 2, numerical 20);
a computer disposed within the casing, (see col. 4, lines 18-21, the analysis system is read as the "computer" as claimed); and
a storage medium communicating with the computer, the storage medium including a database of identifying information of tat least one individuals, (see col. 4, lines 22-24,

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wherein the profile database is read as the "storage medium" that includes a "database" as claimed), wherein the computer compares the identifying information of the individual with the identifying information stored in the storage medium, (see col. 3, lines 55-61, wherein, the analysis system extract the face feature and match the feature to the data base); a second input device coupled to the computer and adapted to enter remarks ...information, (see figure 2, numerical 21 for inputting the information) as claimed.

Wang fails to disclose: a transmitter, a receiver and the output device ...to inform the user of the apparatus of the instruction, as claimed. Musgrave teaches: a transmitter, a receiver and the output device ...to inform the user of the apparatus of the instruction, (see col. 4, lines 8-9 and lines 14-16, wherein a cellular telephone "apparatus adapted to communicate" that includes a iris "identifying information" imaging system in order to secure the use of the cellular telephone, also see col. 7, lines 60-67, where the comparison takes place and if the positive match does not appear than the user of the phone is notified see col. 8, lines 1-4) as claimed.

Therefore, it would have been obvious to one ordinary skilled in the art at the time of invention to combine the two references, as they are analogous because they are solving same problem of identifying the individuals. The teaching of Musgrave to transmit the identifying information (see col. 7, lines 60-62) to perform the comparison and transmit back the authorization to the hand held apparatus can be combined to the system of Wang as Wand suggests to have an I/O device such as modem for the network communication (see col. 5, lines 45-48) is straightforward. This modification provides a hand held apparatus that identifies an individual.

With respect to claims 2-8 the rejection are maintained and incorporated with reference as set forth in the prior office action (paper #11).

With respect to claim 9, Musgrave teaches the storage ...separately from the casing, (see col. 7, lines 60-64, transmission of the identification data for the comparison, i.e. the storage device is separate from the casing) as claimed.

With respect to claim 10 and 11, the feature of a camera taking both "streaming video...and still digital image" and camera control unit separate from the camera is well known in the art as the digital camera can easily take the video images and the still images as sold in the stores and the camera having a remote control to control the cameras from a remote location. Therefore, it would be obvious to one ordinary skilled in the art to combine the two well known features to come up with a system that is remotely operated and easily converted into video or still imaging as it is well known.

Claims 12-13 and 19-20 are rejected for the same reasons as set forth in the rejection of claims 1-10, because claims 12-13 and 19-20 are claiming the computer software for the method as claimed in claims 1-11.

With respect to claims 17 and 18, Musgrave teaches the wireless connection and the internet transmission, (see figure 3, numerical 175) as claimed.

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3. Claims 14-16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Wang (US 6038333) in view of Musgrave et al (US 6377699) as applied to claim 12 above, and further in view of Piosenka et al (US 4993068).

With respect to claim 14-15, Wang and Musgrave disclose the invention substantially as disclosed and as described above in claim 12. However, they fail to disclose: enter ... audio data regarding the individual; and transmit the audio data, as claimed. Piosenka discloses an identification system in that he teaches: enter ... audio data regarding the individual; and transmit the audio data, (see figure 2, numerical 34, and 36) as claimed.

It would have been obvious to one ordinary skilled in the art at the time of invention to combine the references, as they are analogous because they are solving same problem of identifying the individuals. Piosenska's teaching of using the voiceprints can be incorporated in to the Wang's and Musgrave's system in order to get more secure system.

Claim 16 is rejected as claim 14, because claim 16 is claiming similar subject matter as claim 14.

Conclusion

4. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Vikkram Bali whose telephone number is 703.305.4510. The examiner can normally be reached on 7:30 AM - 4:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Amelia Au can be reached on 703.308.6604. The fax phone numbers for

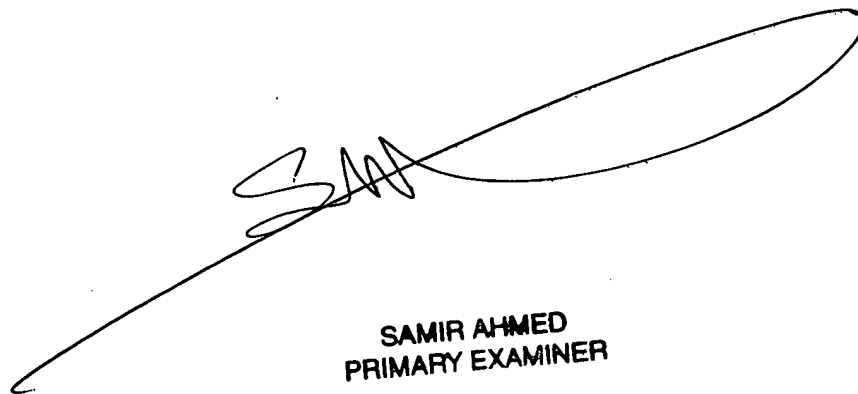
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the organization where this application or proceeding is assigned are 703.872.9314 for regular communications and 703.872.9314 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703.306.0377.

Vikkram Bali
Examiner
Art Unit 2623

vb
April 25, 2003



SAMIR AHMED
PRIMARY EXAMINER